

In re Patent Application of:
MCELROY ET AL
Serial No. 09/934,746
Filed: 08/22/2001

REMARKS

By the foregoing amendments, applicants have endeavored to more concisely define the invention along the lines suggested in the outstanding office action, to clearly underscore the differences between the automatic link pre-establishment control routine of the present invention, through which operational parameters of an integrated access device are automatically established, to conform with those of various pieces of equipment employed by a service provider delivering packetized voice and data services.

In particular, steps (a)-(e) of claim 19, upon which claims 20-22 depend, delineates the composition of the respective layers 1-4 shown at steps 201-204 of Figure 2, as well as the subsequences of steps contained therein as shown in Figure 3-5 of the drawings of the present application.

More particularly, within step 201 of the automated routine shown in Figure 2, a determination of the line rate, based upon one or both of stored vendor-supplied a priori negotiation information and a testing of all possible line rates, as delineated at steps 301 and 302 of the subroutine of Figure 3, is set forth in step (a) of claim 19.

Step (b) of claim 19 calls for determining the type of encoding... in accordance with an examination of a prior known operating mode and selectable options for the device as shown at step 304 and discussed in detail in the middle paragraph of page 9 of the specification.

Step (c) of claim 19 recites identifying the type of digital communication device communication protocol to be employed based

In re Patent Application of:
MCELROY ET AL
Serial No. 09/934,746
Filed: 08/22/2001

upon the type of encoding determined in step (b), corresponding to the layer 2 operation of step 202 in the flow chart of Figure 2, and described in lines 18-23 on page 9 of the specification.

Step (d) of claim 19 corresponds to layer 3 of step 203 of the routing of Figure 2, in particular, locating a voice gateway and voice transport protocol, based upon a standard message based protocol or an iterative search through a virtual circuit address table, as shown in detail in the flow chart of Figure 5.

Finally step (e) of claim 19 corresponds to layer 4 step 204 of the routine of Figure 2, wherein the microcontroller proceeds to configure one or more special features to increase throughput or enhance performance, as described in the last paragraph on page 13 of the specification.

Dependent claims 20-22 delineate perfecting features described in the specification, and also shown in the subroutine of Figure 4 (corresponding to the limitations of step (c) in claim 21).

Applicants have reviewed each of the patents to Kolbenson et al and Gallagher et al, relied upon in the rejection of claims 1-18 in the outstanding office action, but have been unable to find any correspondence between what is disclosed in these documents and the more concisely defined features of the invention characterized in claims 19-22.

As previously noted, the patent to Kolbenson et al discloses a multi-module multiple access time division multiplexed communication system, in which a multiplexing switch can be dynamically reconfigured as desired. As time slots become available, the switch automatically allocates them to a specified

In re Patent Application of:
MCELROY ET AL
Serial No. 09/934,746
Filed: 08/22/2001

port.

There is no disclosure of an automated routine as characterized in claims 19-22 of configuring an integrated access device based upon an examination of the specific parameters, as delineated in the steps of claims 19-22, and a determination of operational and configuration characteristics of the integrated access device based upon the examined parameters, as particularly claimed.

The patent to Gallagher et al describes a system for monitoring the traffic density of a network and what is to be done if the network becomes heavily loaded. If an excessive delay is encountered, the CONBAC or CPE causes the server to switch the call from a packet switch network to a public switched telephone network. Like Kolbenson et al, Gallagher et al contain no disclosure or suggestion of the respective steps defined in claims 19-22.

It is respectfully submitted that, upon reconsideration, it will be realized that replacement claims 19-22 clearly distinguish the claimed invention from the art of record and are, therefore, in condition for allowance. A notice to that effect, is, accordingly, earnestly solicited.

Favorable reconsideration of this application and a Notice of Allowability of all the claims remaining in the application are respectfully requested.

Of course, if the Examiner is of the opinion that additional minor amendments to the claims are in order, he is respectfully invited to contact the undersigned attorney at the telephone number listed below so that any such changes may be discussed

In re Patent Application of:
MCELROY ET AL
Serial No. 09/934,746
Filed: 08/22/2001

and, where warranted, effected.

Please charge any shortage in fees due in connection with the filing of this paper, including Extension of Time fees, to Deposit Account No. 01-0484 and please credit any excess fees to such deposit account.

Respectfully submitted,



CHARLES E. WANDS
Reg. No. 25,649

Customer No.: 27975

Telephone: (321) 725-4760

CERTIFICATE OF FACSIMILE TRANSMISSION

I HEREBY CERTIFY that the foregoing correspondence has been forwarded via facsimile number 571-273-8300 to MAIL STOP AF, COMMISSIONER FOR PATENTS, this 31 day of August 2005.


